

***NATIONAL MARINE FISHERIES SERVICE INSTRUCTION 02-301-05
MARCH 13, 1994***

***Protected Resources Management
MOAs/MOUs/COOPERATIVE AGREEMENTS/
INTER-AGENCY COOPERATIVE POLICIES***

***MOA B/W THE NORTHEAST REGIONS OF US F&WS AND NMFS CONCERNING
THE ANADROMOUS ATLANTIC SALMON***

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OPR: F/PR

Certified by: F/PR

Type of Issuance: Renewal (01/06)

SUMMARY OF REVISIONS:

Signed _____
[Approving Authority name] Date
[Approving Authority title]

3/14/94

MEMORANDUM OF AGREEMENT BETWEEN
THE NORTHEAST REGION, U.S. FISH AND WILDLIFE SERVICE AND
THE NORTHEAST REGION, NATIONAL MARINE FISHERIES SERVICE
CONCERNING THE ANADROMOUS ATLANTIC SALMON

AUTHORITY: Fish and Wildlife Coordination Act
(16 USC 661-667e)
Endangered Species Act
(16 USC 1531-1543)

PURPOSE: To formalize the working relationship between the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively the Services) and to commit to work as partners in coordinating with the states and the international community to apply an ecosystem framework to Federal efforts related to Atlantic salmon.

APPLICABILITY: This Memorandum of Agreement (MOA) shall apply to all Federal activities related to Atlantic salmon.

PART ONE - BACKGROUND

1. In 1974 the U.S. Fish and Wildlife Service, Department of the Interior, and the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce signed a Memorandum of Understanding* (MOU) regarding jurisdictional responsibilities and listing procedures under the Endangered Species Act of 1973. The purpose of that MOU was to clarify the assignment of responsibility established originally by Reorganization Plan No. 4 of 1970. Because of the Atlantic salmon's migratory life cycle and variability in the amount of time spent at sea, the Services believe that this species falls under Section 3(a) of the 1974 MOU which states that the Services shall have joint jurisdiction over species not clearly within the jurisdiction of either the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS).

2. An Endangered Species Act (ESA) petition to list the naturally spawning anadromous Atlantic salmon as endangered throughout its known historic range in the coterminous United States, and to designate critical habitat, was filed in October of 1993 by the Biodiversity Legal Foundation, RESTORE: The North Woods, and Jeffrey W. Elliott.

3. On January 21, 1994 the Services jointly announced that based on their review of the previously mentioned petition they believed that listing may be warranted and stated that they were initiating a joint study of the status of anadromous Atlantic salmon. A final decision on whether to initiate listing procedures will be made by October 1994.

4. The Services have been working individually and cooperatively for decades to further the scientific knowledge of Atlantic salmon, to manage the species throughout its migratory route, to restore the species to its historic range and to address threats to the species. This MOA pledges greater coordination and cooperation between the FWS and the NMFS, as well as with the states and the international community, to avoid duplication of effort and concentrate efforts on priority issues with the greatest potential to benefit anadromous Atlantic salmon.

PROCEDURE FOR ADDRESSING THE ESA PETITION FOR ATLANTIC SALMON

1. The Regional Director of each agency will appoint a team to conduct the ESA Section 4 status review and all subsequent ESA actions related to the Atlantic salmon.

2. The ESA team will develop a schedule for the status review and gain the approval of the Regional Directors. The goal of that schedule will be to make a final determination by the October 1, 1994 deadline. The schedule will be updated as further actions are agreed upon in the future.

3. In accordance with the 1974 MOU, certain actions under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 to 1544), shall be taken with the concurrence of both Directors, including notices of review, proposed determinations and final determinations.

PROCEDURE FOR FORMULATING A REHABILITATION STRATEGY FOR ATLANTIC SALMON

1. The Services shall establish a rehabilitation team that will develop a strategy to include a process to jointly assess past restoration efforts, current actions and to set priorities for the future. The team will use an ecosystem framework to assess the current status of Atlantic salmon, itemize and prioritize threats and needs on a regional and watershed basis, outline current activities and actions to be taken, define Federal agency roles, assign responsibilities with time frames and state clear measures of success. This rehabilitation team will strive to have an outline completed within two (2) months of the date of this MOA, with a draft strategy to be completed within eight (8) months of this MOA. That draft will be circulated to interested parties for comments and a final strategy will be completed within twelve (12) months of this MOA.

2. The rehabilitation strategy will be developed in consultation with the states and other experts utilizing the current Atlantic Salmon Restoration in New England published as a Final Environmental Impact Statement by the U.S. Fish and Wildlife Service in 1989, the pre-listing recovery plan prepared in 1992, existing inter-agency restoration plans and any other relevant documents.

AGENCY COOPERATION

1. This Federal agency partnership approach and ecosystem based solution used for Atlantic salmon will be applied to similar anadromous fish issues in the Northeast, as appropriate.

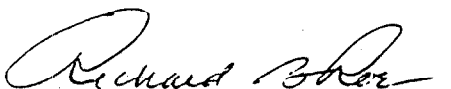
2. The Northeast Regional Directors of the Services agree to review and evaluate management accomplishments annually, or more frequently if needed, and to realign strategies as required to improve the status of anadromous Atlantic salmon and to continue the partnership approach advocated by this MOA.

GENERAL

1. This Memorandum of Agreement (MOA) will become effective when signed by the Regional Directors of the Northeast Region U.S. Fish and Wildlife Service and the Northeast Region of the National Marine Fisheries Service.

2. Nothing in this MOA shall be construed as obligating the signatory agencies to the expenditure of funds in excess of appropriations authorized by law, or otherwise commit the Services to actions for which they lack statutory authority.

3. Either Regional Director may cancel this MOA upon thirty days written notice to the other.



Richard B. Roe
Regional Director
National Marine Fisheries Service



Ronald E. Lambertson
Regional Director
U.S. Fish and Wildlife Service

March 14, 1994
Date

3-14-94
Date